



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

**COPY MAILED**

JUL 15 2004

**OFFICE OF PETITIONS**

In re Application of	:
LIN	: DECISION REFUSING STATUS
Application No. 10/626,486	: UNDER 37 CFR 1.47(b)
Filed: July 24, 2003	:
Atty. Dkt. No.: SRGLT.004RA	:
For: TREATMENT OF PRESBYOPIA	:
AND OTHER EYE DISORDERS USING A	:
SCANNING LASER SYSTEM	:

This decision is in response to the petition under 37 CFR 1.47(b), filed March 9, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 24, 2003 without an executed oath or declaration and naming Jui-Teng Lin as sole inventor. Accordingly, a Notice to File Missing Parts of Reissue Application was mailed September 3, 2003 requiring, *inter alia*, an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition lacks item (2) set forth above. An acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Any renewed petition must be accompanied by an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.175. The oath or declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventor should remain unexecuted. Petitioner's attention is directed to MPEP 409.03(b) for further guidance.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By facsimile: (703) 308-6916

By delivery service: U.S. Patent and Trademark Office  
(FedEx, UPS, DHL, etc.) 220 20<sup>th</sup> Street S.  
Customer Window, Mail Stop Petition  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to  
the undersigned at (703) 305-0310.

*Alesia M. Brown*  
Alesia M. Brown  
Senior Petitions Attorney  
Office of Petitions